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| 09/509,326      | 03/24/2000  | Min Ho Cha           | 5387-3              | 1618             |

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/509,326

Applicant(s)

CHA, MIN HO

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/03 has been entered.

**DETAILED ACTION**

Claims 3-4, 6 and 12 are canceled, and claims 1-2, 5, 7-11 and 13-17 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 5, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al (hereinafter Potter: US Pat. 5,787,402) in view of Gutterman et al (hereafter Gutterman: US Pat. 5,297,031).**

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Re. Claims 1-2, 5, 11, 14, and 17 Potter discloses a method and system for performing financial transaction of trading foreign currencies which enable the user to automatically execute the desired transaction [entire document particularly, Abs; Figures 1-29; C1 L7-L14; C3 L6-L11], the user selecting a trade-desired object and inputting an automatic trade condition containing purchase and selling conditions in the computer system, the automatic trade condition comprising a selling price, a selling quantity (size or amount), a purchase price and a purchase quantity [C3 L13-L28; C5 L60 to C6 L 18; C9 L21-L37; C7 L29-L52; C11 L9-L22; price quotes=purchase price or/and selling price], the computer system placing purchase and selling orders according to the automatic trade condition through the data communication network [Fig. 1-2; C3 L13-36; C4 L50-L59; on-line & servers & router & TCP/IP, X.25 = communication network], the computer system determining whether one of the purchase order or selling order has been contracted (matched and accepted) through the data communication network [C7 L29-L52; C4 L62; C8 L29-L50; C15 L60 to C16 L15; C19 L52 to C20 L13], a user interface at the user computer system for the user to input an initial trade condition and an automatic trade condition [Figures 14-29; C5 L46 to C6 L67; C11 L9-L22], a memory device for storing a basic information data including an item code of a stock and an account number of a stock holder input to the computer system through the user interface, a trade condition control module for storing an automatic stock trade condition data containing a desired selling price, desired selling quantity, desired purchase price, desired purchase quantity for trade of the stock input to the computer system through the user interface [entire document particularly, Fig. 13; C3 L43-L45; C7 L29-L52; C8

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L29-L67; C15 L35-L51], and placing a new selling order according to the first automatic trade condition and contracting a first automatic trade when the first automatic trade condition is met , the computer system placing a new purchase order according to the second automatic trade condition and contracting a second automatic trade when the second automatic trade condition is met [C10 L45 to C14 L64]. Potter, explicitly, does to disclose new price, executed without the intervention of the user, the new selling order price higher than the contracted price, and the new purchase order price is lower than the contracted price. However, Gutterman discloses automatic security trading, current price (new price), and price limit order (greater or less than a specific price (bid); conditional) and system configuration accepting incoming orders automatically without broker action [Abs; C1 L6-L60; C2 L5 to C4 L13; C5 L20-L50; C7 L1-L15; C10 L34-L50; C11 L14-L18]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Potter and include new price (current price), trade order limits and conditions (criteria), as taught by Gutterman, to allow the user to manage buy/sell of securities orders.

**Claim 7-10 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Potter and Gutterman as applied to claims 5 & 11 above, and further in view of Braddock (U.S. Patent 4,412,287).**

Re. Claims 7 and 13 Potter discloses that the automatic ordering condition further comprises a condition for limiting an order timing, and the step of placing a selling order

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or purchase order (col. 12 line 66 thru col. 13 line 10). Both Potter and Gutterman fail to teach the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table, where an automatic trade order is generated from the base of the automatic trade table.

However, Braddock discloses that "The lists are then compared matching the first round lot buy (at the highest price)..." and "The operation of the exchange can be illustrated by the following examples of trading in a single stock. The examples are purposely simplified ..." (col. 2 line 58 thru Col. 3 line 15; Columns 10-15). It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the teaching of both Potter and Gutterman to include the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table where an automatic trade order is generated from the base of the automatic trade table, as taught by Braddock. It is very common practice in data processing area to extract (select) desired tables from databases main table. The Database computer programmers routinely use database query language (SQL) and create tables from based table. Since database engines are capable to search and compare two or more dynamic (changing) values faster than manual comparison and create new tables. Therefore, it is economical and makes business sense to automat these step using database engines. Another advantage computer has is this computer can do this task at the background with out and discomfort to the user. The result can be show on the screen.

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Re. Claims 8-10, Potter discloses wherein the automatic trade condition includes a target profit rate and further comprises a step of calculating a profit rate according to the automatic trading before a computer places a new stock selling order and purchase order in case the stock selling order or a stock purchase order is concluded to thereafter compare same with the target profit rate [C13 L34-L50C14 L64 to C15 L5], wherein the automatic ordering condition further comprises an extra trade condition (criteria) and a step of checking whether or not the trade condition has been satisfied before placing an order, and notifying an error notice to the user if the condition is not met [C7 L29-L52; Figures 24-25, C14 L64 to C15 L5]

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter and Gutterman, as applied to claim 14 further in view of Kalmus et al (hereinafter Kalmus; US 4,674,044).

Re. Claims 15-16 Potter discloses new order entry form and orders [Fig. 24; C12 L51-L58]. Neither Potter nor Gutterman, explicitly, disclose if and when the first purchase order is made, the computer system automatically placing new sell orders at a price higher than the price of the previous sell order and after the first purchase and selling orders, further comprising: the computer system automatically placing new, second purchase orders at a price lower than the price of the first purchase order. However, Kalmus discloses if and when the first purchase order is made, the computer system

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automatically placing new sell orders at a price higher than the price of the previous sell order and after the first purchase and selling orders, further comprising: the computer system automatically placing new, second purchase orders at a price lower than the price of the first purchase order [Abs; Figures 2-5; C4 L22-L50; C5 L60 to C8 L20]. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Potter and Gutterman and repeating the new orders, as taught by Kalmus, to add stocks to its position and/or reduce a short position security by executing new orders.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2, 5, 7-11, 13 have been considered but are moot in view of the new ground(s) of rejection. In response to Applicant's remark on user interface, Potter discloses GUI and allows the user to enter the order [Fig. 15-29; C5 L46; C11 L9-L22]. It is known that E\* Trade allows customer to buy and sell any way they want and as much as they desire to trade.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR § 1.111 (c) to consider the references fully when responding to this action.



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- i). Ameritrade, Feb 11, 1998 "Client Trade Here" web page. Provides Ameritrade Online Trading Demo and other (for ref. see previous actions and form PTO-892).
- ii). E\*Trade web site (ref. see previous actions and form PTO-892).
- iii). Us 6,014,643 to Minton, Jan 11, 2000 "Interactive securities Trading System", this invention discloses a system, which allows individuals to trade securities directly with others who are, not brokers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Souh can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass *HTD*  
Examiner  
Art Unit 3628

6/27/03  
June 27, 2003

  
HYUNG SOUH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600